

11/20/01
1132 U.S. PRO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING CONTINUATION/DIVISIONAL
APPLICATION UNDER 37 C.F.R. § 1.53(b)

11/20/01
1132 U.S. PRO
09/088541

Box PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is a request for filing a [] continuation [X] divisional application under 37 C.F.R. § 1.53(b) of pending Application No. 09/395,901 filed on September 14, 1999, for DEVICE AND METHOD FOR PERFORMING END-TO-SIDE ANASTOMOSIS, by the following named inventor(s):

- (a) Full Name Rovil P. Arcia
- (b) Full Name Sam Lichtenstein
- (c) Full Name Douglas Mehl

[] Applicant(s) hereby requests that the above-captioned application **NOT BE PUBLISHED** under 35 U.S.C. § 122(b) and 37 C.F.R. § 1.211. The undersigned hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

[X] The entire disclosure of the prior application from which a copy of the oath or declaration is supplied herewith is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

[] This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(2), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application.

- (a) Full Name _____
- (b) Full Name _____
- (c) Full Name _____

[] This application is being filed by more than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(5), a new oath or declaration is enclosed, and the Commissioner is requested to add the name(s) of the following person or persons who are inventors of the invention being claimed in this application.

- (a) Full Name _____
- (b) Full Name _____
- (c) Full Name _____



21839

09/088541 "11/20/01

- [X] Applicant(s) suggests Figure 2 for inclusion on the front page of the patent application publication and/or patent.
1. [X] Enclosed is a copy of the prior Application No. 09/395,901 as originally filed on September 14, 1999, including copies of the specification, claims, drawings and the executed oath or declaration as filed.
2. [] Enclosed is a revised prior application and a copy of the prior executed oath or declaration as filed. No new matter has been added to the revised application.
3. [] Small entity status is hereby claimed.
4. [X] The filing fee is calculated below [X] and in accordance with the enclosed preliminary amendment:

C L A I M S					
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$740.00 (101)
Total Claims	40	MINUS 20 =	20	× \$18.00 (103) =	360.00
Independent Claims	2	MINUS 3 =	0	× \$84.00 (102) =	0.00
If multiple dependent claims are presented, add \$280.00 (104)					0.00
Total Application Fee					1,100.00
If small entity status is claimed, subtract 50% of Total Application Fee					0.00
Add Assignment Recording Fee of \$_ if Assignment document is enclosed					
TOTAL APPLICATION FEE DUE					1,100.00

5. [] Charge \$ _____ to Deposit Account No. 02-4800 for the fee due.
6. [X] A check in the amount of \$ 1,100.00 is enclosed for the fee due.
7. [X] The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.
8. [X] Cancel in this application original claims 40 - 61 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)



21839

09395901-115

9. ☐ New drawings are enclosed.
10. ☐ Priority of Application No. _ filed on _ in _ (country) is claimed under 35 U.S.C. § 119.
- ☐ The certified copy of the priority application
- ☐ is enclosed.
- ☐ was filed on _ in prior Application No. _, filed on _, and acknowledged by the Examiner on _ in Paper No. _.
- ☐ has not yet been filed.
11. ☒ Please amend the specification by inserting before the first line the sentence:
- ☒ --This application is a ☐ continuation ☒ divisional of Application No. 09/395,901, filed on September 14, 1999.--.
- ☐ --This application is a ☐ continuation ☐ divisional of U.S. Application No. __, filed on __, which was a national stage filing under 35 U.S.C. § 371 of International Application No. _ filed on __, which International Application ☐ was ☐ was not published by the International Bureau in English on __.--.
- ☐ --This application is a ☐ continuation ☐ divisional of U.S. Application No. __, filed on __, which was a continuation of International Application No. __, filed on __, which International Application ☐ was ☐ was not published by the International Bureau in English on __.--.
12. ☒ A preliminary amendment is enclosed.
13. ☐ An Information Disclosure Statement is enclosed.
14. ☐ A General Authorization for Payment of Fees and Petitions for Extensions of Time is enclosed.
15. ☒ Also enclosed return postcard.
16. ☒ The power of attorney in the prior application is to T. Gene Dillahunty and Kelly McCrystle.
- a. ☒ The power appears in the original papers in the prior application.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☒ Recognize as Associate Attorney David R. Heckadon, Granted Limited Recognition under 37 CFR §10.9(b).



21839

0988541-112001

- d. ☒ Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

T. Gene Dillahunty
BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, Virginia 22313-1404

Date: November 19, 2001

By: 

Kelly McCrystle
Registration No. 46,257

ADDRESS OF SIGNATOR:

BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, Virginia 22313-1404
(650) 622-2300

- ☐ inventor(s)
☐ assignee of complete interest
☒ attorney or agent of record
☐ filed under 37 C.F.R. § 1.34(a)



21839

09/395,901-115-112001

**UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE**

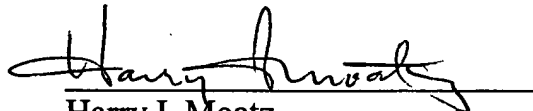
J1017 U.S. PTO
09/988541
11/20/01

LIMITED RECOGNITION UNDER 37 CFR §10.9(b)

David R. Heckadon is hereby given limited recognition under 37 CFR §10.9(b), as an employee of Burns, Doane, Swecker & Mathis, LLP, to prepare and prosecute patent applications and to represent patent applicants wherein the patent applicants are clients of Burns, Doane, Swecker & Mathis, LLP, and wherein a registered practitioner who is a member of Burns, Doane, Swecker & Mathis, LLP is the attorney or agent of record. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) David R. Heckadon ceases to lawfully reside in the United States; (ii) David R. Heckadon's employment with Burns, Doane, Swecker & Mathis, LLP ceases or is terminated; or (iii) David R. Heckadon ceases to remain or reside in the United States on an H-1B visa.

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office.

Expires: November 2, 2002


Harry I. Moatz
Director of Enrollment and Discipline